



State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

July 22, 2009

The Honorable Robert Wirth, Chair
Committee on Small Business, Emergency Preparedness,
Workforce Development, Technical Colleges and Consumer Protection

Re: SB 218 relating to penalties and private actions for violations of restrictions on telephone solicitation.

Dear Senator Wirth:

Thank you for the opportunity to provide testimony on SB 218. The Department of Agriculture, Trade & Consumer Protection supports this legislation.

The proposed legislation increases the maximum forfeiture for violating the no-call law from \$100 to a range of \$1,000 to \$10,000 per violation.

The current penalty of \$100 per violation does little to deter unscrupulous telemarketers who can make more money by violating the law than by following it, even if they have to pay \$100 per violation. Since the purpose of the law is to prevent telemarketing to those on the no-call list, a range of penalties provides courts with greater flexibility to "make the punishment fit the crime."

The department also supports the addition of a private right of action for consumers who want to bring their own action for violations of the law. The private right of action provides that if a consumer brings an action and proves a no-call violation, they obtain a judgment for \$500 plus court costs and reasonable attorney's fees. This penalty does not replace forfeiture actions. Rather, it recognizes that consumers, themselves, have a legitimate interest in enforcing the no-call law.

Thank you.

Respectfully,

Janet Jenkins, Administrator
Division of Trade and Consumer Protection

Agriculture generates \$51.5 billion for Wisconsin